



03-18-04

Docket No. BON-4687

AFB
2700

Application of: Peter M. Bonutti
Serial No.: 09/476,156
Filed: December 30, 1999
For: DISSEMINATION OF LITIGATION INFORMATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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MAR 23 2004

Technology Center 2100

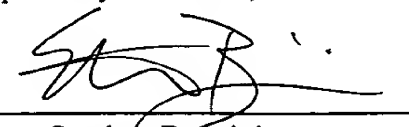
Sir:

Transmitted herewith, in triplicate, is Appellant's Brief in support of his appeal to the Board of Patent Appeals and Interferences from the decision dated October 28, 2003 of the Examiner finally rejecting claims 62-108 of the above-referenced application.

- ☒ Small entity status is claimed. See 37 CFR § 1.27.
- ☐ A petition for extension of time is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment in the amount of \$ 165.00 to cover the filing fee to Deposit Account No. 50-1556.
- ☐ The Commissioner is hereby authorized to charge payment in the amount of \$ _____ to cover the extension fee to Deposit Account No. 50-1556.
- ☒ The Commissioner is hereby authorized to charge payment of any necessary fees associated with this communication, or credit any overpayment, to Deposit Account No. 50-1556.

Respectfully submitted,

Date: February 23, 2004

By: 
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#19
3/25/04
A.W.
PATENT
BON-4687

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
PETER M. BONUTTI)
Serial No.: 09/476,156)
Confirmation No.: 7407)
Filed: December 30, 1999)
For: DISSEMINATION OF)
LITIGATION INFORMATION)

Group Art Unit: 2177

Examiner: S. Channavajjala

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APPELLANT'S BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant hereby respectfully submits his brief in support of his appeal to the Board of Patent Appeals and Interferences from the decision dated October 28, 2003 of the Examiner finally rejecting claims 62-108 of the above-referenced application.

03/19/2004 CHGUYEN 00000122 501556 09476156
01 FC:2402 165.00 DA

'31/2004 AWHITE1 00000004 501556 09476156
FC:2251 55.00 DA

1. REAL PARTY IN INTEREST

Appellant is the real party in interest.

2. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

3. STATUS OF CLAIMS

Claims 62-108 are pending. Claims 62-108 were finally rejected in the Office Action dated October 28, 2003, and are on appeal.

Attached hereto is an Appendix containing a copy of claims 62-108, which are the claims involved in this appeal.

4. STATUS OF AMENDMENTS

Appellant has not filed any amendments subsequent to the final rejection in the Office Action dated October 28, 2003.

5. SUMMARY OF THE INVENTION

The present invention is directed to improved methods of disseminating information relating to litigation in a plurality of courts of law. In a method according to one embodiment of the present invention, court records of a plurality of courts of law 12-18 are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law 12-18, as shown in Figure 1. [page 6, line 23 through page 7, line 12; page 15, lines 9-23] The publicly available data obtained from the court records of each court of law of the plurality of courts of law is transmitted 24 to a database 30, and at least a portion of the data from the database 30 is transmitted over a network 48 to terminals 34-44 which access the database 30 over the network 48. [page 7, lines 13-25; page 10, line 7 through page 11, line 2]

In the review of the court records in this embodiment, the publicly available data that is obtained from the court records includes the identify of the plaintiff, the identity of the defendant, the cause of action, and the identity of the attorney or attorneys filing the lawsuits. In the

transmission, data indicative of the identity of the plaintiff, the identity of the defendant, the cause of action, and the identity of the attorney or attorneys filing the lawsuits is transmitted to the database. [page 8, line 22 through page 9, line 6] Because the court records of the plurality of courts of law are reviewed to obtain the publicly available data relating to lawsuits filed, including the identities of plaintiffs, defendants, and attorneys, the database of this embodiment of the present invention allows users to access public information in the form of identities of plaintiffs, defendants, and attorneys (and further data derivable from such information) for many lawsuits in the plurality of courts of law.

Similarly, in a method according to another embodiment of the present invention, court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law 12-18, the publicly available data obtained from the court records of each court of law of the plurality of courts of law is transmitted 24 to a database 30, and at least a portion of the data from the database 30 is transmitted over a network 48 to terminals 34-44 which access the database 30 over the network 48. [page 6, line 23 through page 7, line 25; page 10, line 7 through page 11, line 2]

In this embodiment, the review of the court records involves obtaining from the court records publicly available data including the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified. The publicly available data that is transmitted similarly includes the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified. [page 9, lines 7-17] Because the court records of the plurality of courts of law are reviewed to obtain the publicly available data relating to lawsuits filed, including the identities of expert witnesses and the causes of action in regard to which they testify, the database of this embodiment of the present invention allows users to access such public information in the form of identities of expert witnesses and the causes of action in regard to which they testify (and further data derivable from such information) for many lawsuits in the plurality of courts of law.

In a method according to yet another embodiment of the present invention, documents filed in a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each court of law of the plurality of courts of law 12-18, and the publicly available data obtained from the documents filed in the plurality of courts of law is transmitted 24 to a database 30. [page 6, line 23 through page 7, line 25] A request for data is received from a terminal 34 that accesses the database 30 over a network 48, and at least a portion of the data from the database 30 is transmitted over the network 48 to the terminal 34. [page 10, line 7 through page 11, line 2]

In this embodiment, the documents that are reviewed to obtain the publicly available data relating to lawsuits are documents filed by the parties to the lawsuits. [page 5, line 21 through page 6, line 15; page 8, line 22 through page 10, line 6] Because the documents that are reviewed to obtain the publicly available data relating to lawsuits are documents filed by the parties to the lawsuits, the database of this embodiment of the present invention allows users to access such public information contained in the documents filed by the parties to the lawsuits (and further data derivable from such information) for many lawsuits in the plurality of courts of law.

6. ISSUES

A. Whether claims 62-108 are unpatentable under 35 U.S.C. § 103(a) over Heckman et al. (U.S. Patent No. 5,875,431) in view of Maxwell (U.S. Patent No. 6,098,070).

B. Whether the application and claims 62-108 are not in condition for allowance under 37 C.F.R. § 1.83(a) because the drawings fail to show every feature of the invention specified in the claims.

7. GROUPING OF CLAIMS

Group I

Claims 62-66, 78-83, and 85-95 stand or fall together.

Group II

Claims 67-72, 76, and 77 stand or fall together.

Group III

Claims 73-75 stand or fall together.

Group IV

Claim 84 stands or falls by itself.

Group V

Claims 96-104 stand or fall together.

Group VI

Claim 105 stands or falls by itself.

Group VII

Claims 106 and 108 stand or fall together.

Group VIII

Claim 107 stands or falls by itself.

8. ARGUMENT

A. CLAIMS 62-66, 78-83, AND 85-95 (GROUP I) ARE PATENTABLE OVER HECKMAN ET AL. IN VIEW OF MAXWELL

Appellant respectfully submits that claims 62-66, 78-83, and 85-95 (Group I) are patentable over Heckman et al. in view of Maxwell because neither Heckman nor Maxwell teaches or suggests a method of disseminating litigation information in which publicly available

data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law.

Claim 62 recites a method of disseminating information relating to litigation in a plurality of courts of law in which court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, and the publicly available data obtained from the court records is transmitted to a database, with the publicly available data that is obtained from the court records including the identify of the plaintiff, the identity of the defendant, the cause of action, and the identity of the attorney or attorneys filing the lawsuits.

The Heckman reference discloses a strategic analysis, planning, and evaluation control system for providing a computer-generated legal strategy and computerized management of legal activities. The legal strategy control and management system disclosed in Heckman uses case specific information and a selected litigation template to generate a strategic plan to follow during litigation of a particular case in order to maximize the likelihood of the desired outcome of that case. In particular, when a claim or lawsuit is filed against a company, basic information such as the nature of the case, the issues involved, the court that will decide the case, the current stage of the case, and the desired outcome are entered into the system of Heckman. The system uses this information to choose a litigation template that outlines the objectives, milestones, deliverables, timing, and expected costs based on similar cases.

The merging of the case specific data with the litigation template creates a strategic plan to follow during the course of the case being litigated. Once the strategic plan has been formulated, the system uses a litigation control system to monitor the timely completion of objectives and milestones of the plan, a cost control system to monitor costs relative to the budget, and a performance control system to monitor the deliverables for quality. Thus, Heckman discloses a system that merges facts, issues, and other information for a particular case into a template in order to define the most cost-efficient process by which it is believed an acceptable outcome for that specific case can be obtained.

In contrast, the embodiment of the present invention recited in claim 62 provides a method of disseminating information relating to litigation in a plurality of courts of law. In the embodiment recited in claim 62, court records from a plurality of courts of law are reviewed to obtain publicly available data relating to the lawsuits filed in the courts. The publicly available data includes the identities of the plaintiff, defendant, and attorney or attorneys filing the lawsuits. This publicly available data found in the court records is then transmitted to a database for storage. Anyone desiring the publicly available data (or information derivable from such data) from the court records of one or many courts can then use a terminal to receive data from the database (or information derivable from such data) over a network. Thus, public information in the form of identities of plaintiffs, defendants, and attorneys from many lawsuits in many courts of law can be easily obtained from a central database. Further, data derivable from such public information, such as numerical relationships or ratios, can be easily determined based on the publically available data obtained for the many lawsuits in the many courts of law.

The Examiner has taken the position that Heckman discloses "reviewing court records of a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law." This position of the Examiner is respectfully traversed.

First, the Examiner stated that "reviewing court records" was disclosed because Heckman's system includes local court rules. The specification clearly defines "court records" as "records relating to lawsuits filed and actions taken in pending lawsuits." See specification at page 6, line 26 through page 7, line 5. This definition and the use of the term "court records" throughout the specification makes it clear that, at least in the context of the present application and claims, a "court record" is the record of the proceedings of a lawsuit in a court. Further, Appellant submits that this is the ordinary meaning of the term "court records". Given its ordinary meaning and the matching use of the term in the specification, local court rules cannot be defined as "court records" in the context of the present application. "Court records" are records of the proceedings of lawsuits in a court, while "local court rules" are simply a list of regulations for appearing and filing papers in a specific court. Appellant respectfully submits

that, at least in the context of the present application and claims, defining "court records" to include a listing of local court rules is an unreasonable definition and thus improper.

Second, the Examiner stated that "obtaining publicly available data relating to lawsuits filed" was disclosed because Heckman's system includes data accessible to a user of the system through a service provider, and databases such as Lexis and Dialog are service providers for publically available data. It is Appellant's understanding that there is no disagreement as to the definition of "publically available data relating to lawsuits filed" in the claims as information relating to filed lawsuits that is available to the public.¹ Even if the system of Heckman allows a user to access databases of such public information relating to lawsuits, this does not mean that Heckman discloses the recited step of "reviewing court records of a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law."

The embodiment of the present invention recited in claim 62 recites a step of "reviewing court records of a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law," with this review including "determining the identify of the plaintiff, determining the identity of the defendant, determining the cause of action, and determining the identity of the attorney or attorneys filing the lawsuits." Thus, this claimed method requires that publicly available data relating to filed lawsuits be obtained by reviewing court records of a plurality of courts of law, and that this publically available data includes the identity of the plaintiff, the identity of the defendant, the cause of action, and the identity of the attorney or attorneys filing the lawsuits.

Heckman, alone or in combination with Maxwell, does not teach or suggest a method of disseminating litigation information that includes a step in which publicly available data relating

¹ That is, "publically available data" is information that is available to the public. Thus, "publicly available data relating to lawsuits filed" means information relating to filed lawsuits that is available to the public. Some information relating to filed lawsuits is confidential and known only to one or more parties, while other information relating to filed lawsuits is "publically available", or a matter of public record and thus available to any member of the general public (i.e., to anyone). This is clearly the manner in which "publically available" is used throughout the present application and claims. See, e.g., specification at page 6, lines 2-22; page 8, line 22 through page 9, line 17; page 9, line 26 through page 10, line 6.

to filed lawsuits is obtained by reviewing court records of a plurality of courts of law in order to obtain the identity of the plaintiff, the identity of the defendant, the cause of action, and the identity of the attorney or attorneys filing the lawsuits. The Examiner stated that Heckman teaches such a step by disclosing a database that includes local court rules and by allowing a user to access other databases of publicly available information relating to lawsuits. The combination of these features only teaches providing a database of local court rules and allowing a user to access other databases of publicly available information relating to lawsuits, and does not teach the entire claimed step of obtaining publicly available data relating to filed lawsuits by reviewing court records of a plurality of courts of law in order to obtain the identity of the plaintiff, the identity of the defendant, the cause of action, and the identity of the attorney or attorneys filing the lawsuits.

As explained above, the local court rules are not "court records", so these two features of Heckman cannot possibly combine to teach the entire step of reviewing court records to obtain the specified publicly available data relating to filed lawsuits. Further, even if it is assumed for the sake of argument that local court rules are "court records", Heckman still does not teach or suggest reviewing the database of local court rules to obtain the specified publicly available data relating to filed lawsuits. The features relied on by the Examiner are two unrelated features of the system of Heckman, and nowhere does Heckman even suggest that these two features are, or can be, used to obtain the specified publicly available data relating to filed lawsuits by reviewing court records of a plurality of courts of law.

Such separate disclosure of these two features of the system of Heckman, without any explanation of how to use these features together to produce the desired result, would not be understood by one of ordinary skill in the art as teaching or suggesting the recited step of reviewing court records of a plurality of courts of law so as to obtain the specified publicly available data relating to filed lawsuits. Further, a review of a database of local court rules simply cannot produce publicly available data relating to lawsuits filed in the courts of law. Thus, the combination of these two features to produce the claimed step is impossible and unworkable. Appellant respectfully submits that the Examiner is just pointing to two separate features of the system of Heckman and then, using hindsight reconstruction based on the

Appellant's specification, combining these separate features of the reference in an attempt to reproduce the claimed step. However, such a step is not taught or suggested in Heckman, and their combination to achieve the claimed step is not even workable.

Furthermore, the claimed features of the present invention are not realized even if the teachings of Maxwell are incorporated into Heckman. Maxwell does not teach or suggest the claimed features of the present invention that are absent from Heckman. Maxwell discloses a case management system and does not disclose obtaining publicly available data relating to filed lawsuits by reviewing court records of a plurality of courts of law.

Both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law, with the publically available data including the identity of the plaintiff, the identity of the defendant, the cause of action, and the identity of the attorney or attorneys filing the lawsuits.

B. CLAIMS 67-72, 76, AND 77 (GROUP II) ARE PATENTABLE OVER
HECKMAN ET AL. IN VIEW OF MAXWELL

Appellant respectfully submits that claims 67-72, 76, and 77 (Group II) are patentable over Heckman et al. in view of Maxwell because neither Heckman nor Maxwell teaches or suggests a method of disseminating litigation information in which a relationship is determined between the number of lawsuits in which one attorney represented litigants in a plurality of courts of law and the number of lawsuits decided in favor of a litigant represented by the one attorney in the plurality of courts of law.

Claim 67 recites a method of disseminating information relating to litigation in a plurality of courts of law in which court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, with the

publicly available data that is obtained from the court records including the identify of the attorney or attorneys filing the lawsuits, and a relationship is determined between the number of lawsuits in which one attorney represented litigants in a plurality of courts of law and the number of lawsuits decided in favor of a litigant represented by the one attorney in the plurality of courts of law.

As discussed above, both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law, with the publically available data including the identity of the attorney or attorneys filing the lawsuits.

Further, even if a combination of Heckman and Maxwell were proper to somehow generally suggest obtaining publicly available data relating to filed lawsuits by reviewing court records of a plurality of courts of law, Heckman and Maxwell fail to teach the specific step of such a method of disseminating litigation information as is recited in claim 67. In contrast, in the embodiment of the present invention recited in claim 67, court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, with the publicly available data that is obtained from the court records including the identify of the attorney or attorneys filing the lawsuits, a relationship is determined between the number of lawsuits in which one attorney represented litigants in a plurality of courts of law and the number of lawsuits decided in favor of a litigant represented by the one attorney in the plurality of courts of law, and data indicative of this relationship is transmitted from the database to at least one of the terminals. Neither Heckman nor Maxwell teaches or suggests the specific steps of a method of disseminating litigation information of the embodiment of claim 67.

Both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law, and a relationship is determined between the number of lawsuits in which one attorney represented litigants in a

plurality of courts of law and the number of lawsuits decided in favor of a litigant represented by the one attorney in the plurality of courts of law.

C. CLAIMS 73-75 (GROUP III) ARE PATENTABLE OVER HECKMAN ET AL.
IN VIEW OF MAXWELL

Appellant respectfully submits that claims 73-75 (Group III) are patentable over Heckman et al. in view of Maxwell because neither Heckman nor Maxwell teaches or suggests a method of disseminating litigation information in which a relationship is determined between the number of lawsuits relating to one specific type of cause of action in which one attorney represented litigants in a plurality of courts of law and the number of lawsuits relating to the one specific type of cause of action and decided in favor of litigants represented by the one attorney in the plurality of courts of law.

Claim 73 recites a method of disseminating information relating to litigation in a plurality of courts of law in which court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, with the publicly available data that is obtained from the court records including the cause of action and the identify of the attorney or attorneys filing the lawsuits, and a relationship is determined between the number of lawsuits relating to one specific type of cause of action in which one attorney represented litigants in a plurality of courts of law and the number of lawsuits relating to the one specific type of cause of action and decided in favor of litigants represented by the one attorney in the plurality of courts of law.

As discussed above, both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law, with the publically available data including the cause of action and the identity of the attorney or attorneys filing the lawsuits.

Further, even if a combination of Heckman and Maxwell were proper to somehow generally suggest obtaining publicly available data relating to filed lawsuits by reviewing court records of a plurality of courts of law, Heckman and Maxwell fail to teach the specific step of such a method of disseminating litigation information as is recited in claim 73. In contrast, in the embodiment of the present invention recited in claim 73, court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, with the publicly available data that is obtained from the court records including the cause of action and the identify of the attorney or attorneys filing the lawsuits, a relationship is determined between the number of lawsuits relating to one specific type of cause of action in which one attorney represented litigants in a plurality of courts of law and the number of lawsuits relating to the one specific type of cause of action and decided in favor of litigants represented by the one attorney in the plurality of courts of law, and data indicative of this relationship is transmitted from the database to at least one of the terminals. Neither Heckman nor Maxwell teaches or suggests the specific steps of a method of disseminating litigation information of the embodiment of claim 73.

Both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law, and a relationship is determined between the number of lawsuits relating to one specific type of cause of action in which one attorney represented litigants in a plurality of courts of law and the number of lawsuits relating to the one specific type of cause of action and decided in favor of litigants represented by the one attorney in the plurality of courts of law.

D. CLAIM 84 (GROUP IV) IS PATENTABLE OVER HECKMAN ET AL. IN
VIEW OF MAXWELL

Appellant respectfully submits that claim 84 (Group IV) is patentable over Heckman et al. in view of Maxwell because neither Heckman nor Maxwell teaches or suggests a method of

disseminating litigation information in which a relationship is determined between the number of lawsuits which were appealed from each judge of a plurality of judges to the number of appeals in which each judge of the plurality of judges was affirmed by an appellate court.

Claim 84 recites a method of disseminating information relating to litigation in a plurality of courts of law in which court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, and a relationship is determined between the number of lawsuits which were appealed from each judge of a plurality of judges to the number of appeals in which each judge of the plurality of judges was affirmed by an appellate court.

As discussed above, both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law.

Further, even if a combination of Heckman and Maxwell were proper to somehow generally suggest obtaining publicly available data relating to filed lawsuits by reviewing court records of a plurality of courts of law, Heckman and Maxwell fail to teach the specific step of such a method of disseminating litigation information as is recited in claim 84. In contrast, in the embodiment of the present invention recited in claim 84, court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, a relationship is determined between the number of lawsuits which were appealed from each judge of a plurality of judges to the number of appeals in which each judge of the plurality of judges was affirmed by an appellate court, and data indicative of this relationship is transmitted from the database to at least one of the terminals. Neither Heckman nor Maxwell teaches or suggests the specific steps of a method of disseminating litigation information of the embodiment of claim 84.

Both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits

is obtained by reviewing court records of a plurality of courts of law, and a relationship is determined between the number of lawsuits which were appealed from each judge of a plurality of judges to the number of appeals in which each judge of the plurality of judges was affirmed by an appellate court.

E. CLAIMS 96-104 (GROUP V) ARE PATENTABLE OVER HECKMAN ET AL.
IN VIEW OF MAXWELL

Appellant respectfully submits that claims 96-104 (Group V) are patentable over Heckman et al. in view of Maxwell because neither Heckman nor Maxwell teaches or suggests a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law.

Claim 96 recites a method of disseminating information relating to litigation in a plurality of courts of law in which court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, and the publicly available data obtained from the court records is transmitted to a database, with the publicly available data that is obtained from the court records including the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified.

As explained above, the Heckman reference discloses a strategic analysis, planning, and evaluation control system for providing a computer-generated legal strategy and computerized management of legal activities. The legal strategy control and management system disclosed in Heckman uses case specific information and a selected litigation template to generate a strategic plan to follow during litigation of a particular case in order to maximize the likelihood of the desired outcome of that case. In particular, case specific data is merged with a litigation template to create a strategic plan to follow during the course of the case being litigated. Once the strategic plan has been formulated, the system uses a litigation control system to monitor the timely completion of objectives and milestones of the plan, a cost control system to monitor costs relative to the budget, and a performance control system to monitor the deliverables for quality.

Thus, Heckman discloses a system that merges facts, issues, and other information for a particular case into a template in order to define the most cost-efficient process by which it is believed an acceptable outcome for that specific case can be obtained.

In contrast, the embodiment of the present invention recited in claim 96 provides a method of disseminating information relating to litigation in a plurality of courts of law. In the embodiment recited in claim 96, court records from a plurality of courts of law are reviewed to obtain publicly available data relating to the lawsuits filed in the courts. The publicly available data includes the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified. This publicly available data found in the court records is then transmitted to a database for storage. Anyone desiring the publicly available data (or information derivable from such data) from the court records of one or many courts can then use a terminal to receive data from the database (or information derivable from such data) over a network. Thus, public information in the form of identities of expert witnesses and the causes of action in regard to which they testified from many lawsuits in many courts of law can be easily obtained from a central database. Further, data derivable from such public information, such as numerical relationships or ratios, can be easily determined based on the publically available data obtained for the many lawsuits in the many courts of law.

The Examiner has taken the position that Heckman discloses "reviewing court records of a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law." This position of the Examiner is respectfully traversed.

First, the Examiner stated that "reviewing court records" was disclosed because Heckman's system includes local court rules. As explained above, the specification clearly defines "court records" as "records relating to lawsuits filed and actions taken in pending lawsuits." See specification at page 6, line 26 through page 7, line 5. Given its ordinary meaning and the matching use of the term in the specification, local court rules cannot be defined as "court records" in the context of the present application. "Court records" are records of the proceedings

of lawsuits in a court, while "local court rules" are simply a list of regulations for appearing and filing papers in a specific court. Appellant respectfully submits that, at least in the context of the present application and claims, defining "court records" to include a listing of local court rules is an unreasonable definition and thus improper.

Second, the Examiner stated that "obtaining publicly available data relating to lawsuits filed" was disclosed because Heckman's system includes data accessible to a user of the system through a service provider, and databases such as Lexis and Dialog are service providers for publically available data. It is Appellant's understanding that there is no disagreement as to the definition of "publically available data relating to lawsuits filed" in the claims as information relating to filed lawsuits that is available to the public. Even if the system of Heckman allows a user to access databases of such public information relating to lawsuits, this does not mean that Heckman discloses the recited step of "reviewing court records of a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law."

The embodiment of the present invention recited in claim 96 recites a step of "reviewing court records of a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law," with this review including "determining the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified." Thus, this claimed method requires that publicly available data relating to filed lawsuits be obtained by reviewing court records of a plurality of courts of law, and that this publically available data includes the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified.

Heckman, alone or in combination with Maxwell, does not teach or suggest a method of disseminating litigation information that includes a step in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law in order to obtain the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified. The Examiner stated that Heckman teaches such a step by disclosing a database that includes local court rules and by allowing a user to access other databases of publicly available information relating to lawsuits. The combination of these features only

teaches providing a database of local court rules and allowing a user to access other databases of publicly available information relating to lawsuits, and does not teach the entire claimed step of obtaining publicly available data relating to filed lawsuits by reviewing court records of a plurality of courts of law in order to obtain the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified.

As explained above, the local court rules are not "court records", so these two features of Heckman cannot possibly combine to teach the entire step of reviewing court records to obtain the specified publicly available data relating to filed lawsuits. Further, even if it is assumed for the sake of argument that local court rules are "court records", Heckman still does not teach or suggest reviewing the database of local court rules to obtain the specified publicly available data relating to filed lawsuits. The features relied on by the Examiner are two unrelated features of the system of Heckman, and nowhere does Heckman even suggest that these two features are, or can be, used to obtain the specified publicly available data relating to filed lawsuits by reviewing court records of a plurality of courts of law.

Such separate disclosure of these two features of the system of Heckman, without any explanation of how to use these features together to produce the desired result, would not be understood by one of ordinary skill in the art as teaching or suggesting the recited step of reviewing court records of a plurality of courts of law so as to obtain the specified publicly available data relating to filed lawsuits. Further, a review of a database of local court rules simply cannot produce publicly available data relating to lawsuits filed in the courts of law. Thus, the combination of these two features to produce the claimed step is impossible and unworkable. Appellant respectfully submits that the Examiner is just pointing to two separate features of the system of Heckman and then, using hindsight reconstruction based on the Appellant's specification, combining these separate features of the reference in an attempt to reproduce the claimed step. However, such a step is not taught or suggested in Heckman, and their combination to achieve the claimed step is not even workable.

Furthermore, the claimed features of the present invention are not realized even if the teachings of Maxwell are incorporated into Heckman. Maxwell does not teach or suggest the

claimed features of the present invention that are absent from Heckman. Maxwell discloses a case management system and does not disclose obtaining publicly available data relating to filed lawsuits by reviewing court records of a plurality of courts of law.

Both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law, with the publically available data including the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified.

F. CLAIM 105 (GROUP VI) IS PATENTABLE OVER HECKMAN ET AL. IN
VIEW OF MAXWELL

Appellant respectfully submits that claim 105 (Group VI) is patentable over Heckman et al. in view of Maxwell because neither Heckman nor Maxwell teaches or suggests a method of disseminating litigation information in which a relationship is determined between the number of lawsuits in which one expert witness testified and the number of lawsuits in which the one expert witness testified and which were decided in favor of a litigant on whose behalf the one expert witness testified.

Claim 105 recites a method of disseminating information relating to litigation in a plurality of courts of law in which court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, with the publicly available data that is obtained from the court records including the identify of expert witnesses, and a relationship is determined between the number of lawsuits in which one expert witness testified and the number of lawsuits in which the one expert witness testified and which were decided in favor of a litigant on whose behalf the one expert witness testified.

As discussed above, both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law, with the publically available data including the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified.

Further, even if a combination of Heckman and Maxwell were proper to somehow generally suggest obtaining publicly available data relating to filed lawsuits by reviewing court records of a plurality of courts of law, Heckman and Maxwell fail to teach the specific step of such a method of disseminating litigation information as is recited in claim 105. In contrast, in the embodiment of the present invention recited in claim 105, court records of a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, with the publicly available data that is obtained from the court records including the identify of expert witnesses and the causes of action in regard to which the expert witnesses testified, a relationship is determined between the number of lawsuits in which one expert witness testified and the number of lawsuits in which the one expert witness testified and which were decided in favor of a litigant on whose behalf the one expert witness testified, and data indicative of this relationship is transmitted from the database to at least one of the terminals. Neither Heckman nor Maxwell teaches or suggests the specific steps of a method of disseminating litigation information of the embodiment of claim 105.

Both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing court records of a plurality of courts of law, and a relationship is determined between the number of lawsuits in which one expert witness testified and the number of lawsuits in which the one expert witness testified and which were decided in favor of a litigant on whose behalf the one expert witness testified.

G. CLAIMS 106 AND 108 (GROUP VII) ARE PATENTABLE OVER HECKMAN ET AL. IN VIEW OF MAXWELL

Appellant respectfully submits that claims 106 and 108 (Group VII) are patentable over Heckman et al. in view of Maxwell because neither Heckman nor Maxwell teaches or suggests a method of disseminating litigation information in which publicly available data relating to filed lawsuits in a plurality of courts of law is obtained by reviewing documents filed by the parties to the lawsuits.

Claim 106 recites a method of disseminating information relating to litigation in a plurality of courts of law in which documents filed in a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, and the publicly available data obtained from the documents is transmitted to a database, with the documents that are reviewed being documents filed by the parties to the lawsuits.

As explained above, the Heckman reference discloses a strategic analysis, planning, and evaluation control system for providing a computer-generated legal strategy and computerized management of legal activities. The legal strategy control and management system disclosed in Heckman uses case specific information and a selected litigation template to generate a strategic plan to follow during litigation of a particular case in order to maximize the likelihood of the desired outcome of that case. In particular, case specific data is merged with a litigation template to create a strategic plan to follow during the course of the case being litigated. Once the strategic plan has been formulated, the system uses a litigation control system to monitor the timely completion of objectives and milestones of the plan, a cost control system to monitor costs relative to the budget, and a performance control system to monitor the deliverables for quality. Thus, Heckman discloses a system that merges facts, issues, and other information for a particular case into a template in order to define the most cost-efficient process by which it is believed an acceptable outcome for that specific case can be obtained.

In contrast, the embodiment of the present invention recited in claim 106 provides a method of disseminating information relating to litigation in a plurality of courts of law. In the embodiment recited in claim 106, documents filed in a plurality of courts of law are reviewed to obtain publicly available data relating to the lawsuits filed in all of the courts. The filed documents that are reviewed are documents filed by the parties to the lawsuits. The publicly available data found in the documents is then transmitted to a database for storage. Anyone desiring the publicly available data (or information derivable from such data) from the filed documents of one or many courts can then use a terminal to receive data from the database (or information derivable from such data) over a network. Thus, public information from the documents filed by the parties to the lawsuits in a plurality of courts can be easily obtained from a central database. Further, data derivable from such public information, such as numerical relationships or ratios, can be easily determined based on the publically available data obtained for the many lawsuits in the many courts of law.

The Examiner has taken the position that Heckman discloses reviewing documents filed by the parties to the lawsuits in a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each court of law of the plurality of courts of law. This position of the Examiner is respectfully traversed.

First, the embodiment of the present invention recited in claim 106 recites "documents filed in a plurality of courts of law" and that "the documents are documents filed by the parties to the lawsuits." Surely, local court rules cannot be defined as documents filed in a plurality of courts of law by the parties to the lawsuits. Further, the Examiner only stated that "court records" were disclosed and did not even alleged that any reference teaches or suggests the recited documents filed in courts of law by the parties to the lawsuits. Thus, the Examiner has failed to even make out a prima facie case of obviousness with respect to claim 106.

Second, the Examiner stated that "obtaining publicly available data relating to lawsuits filed" was disclosed because Heckman's system includes data accessible to a user of the system

through a service provider, and databases such as Lexis and Dialog are service providers for publically available data. It is Appellant's understanding that there is no disagreement as to the definition of "publically available data relating to lawsuits filed" in the claims as information relating to filed lawsuits that is available to the public. Even if the system of Heckman allows a user to access databases of such public information relating to lawsuits, this does not mean that Heckman discloses the recited step of "reviewing documents filed in a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each court of law of the plurality of courts of law."

The embodiment of the present invention recited in claim 106 recites a step of "reviewing documents filed in a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each court of law of the plurality of courts of law." Thus, this claimed method requires that publicly available data relating to filed lawsuits be obtained by reviewing documents filed in a plurality of courts of law, and that these filed documents are documents filed by the parties to the lawsuits.

Heckman, alone or in combination with Maxwell, does not teach or suggest a method of disseminating litigation information that includes a step in which publicly available data relating to filed lawsuits is obtained by reviewing documents filed in a plurality of courts of law. The Examiner stated that Heckman teaches such a step by disclosing a database that includes local court rules and by allowing a user to access other databases of publicly available information relating to lawsuits. The combination of these features only teaches providing a database of local court rules and allowing a user to access other databases of publicly available information relating to lawsuits, and does not teach the entire claimed step of obtaining publicly available data relating to filed lawsuits by reviewing documents filed in of a plurality of courts of law.

As explained above, the local court rules are not documents filed in courts, so these two features of Heckman cannot possibly combine to teach the entire step of reviewing documents filed in courts to obtain publicly available data relating to filed lawsuits. Further, Heckman does not teach or suggest reviewing the database of local court rules to obtain publicly available data relating to filed lawsuits. The features relied on by the Examiner are two unrelated features of the system of Heckman, and nowhere does Heckman even suggest that these two features are, or

can be, used to obtain publicly available data relating to filed lawsuits by reviewing documents filed in a plurality of courts of law.

Such separate disclosure of these two features of the system of Heckman, without any explanation of how to use these features together to produce the desired result, would not be understood by one of ordinary skill in the art as teaching or suggesting the recited step of reviewing documents filed in a plurality of courts of law so as to obtain publicly available data relating to filed lawsuits. Further, a review of a database of local court rules simply cannot produce publicly available data relating to lawsuits filed in the courts of law. Thus, the combination of these two features to produce the claimed step is impossible and unworkable. Appellant respectfully submits that the Examiner is just pointing to two separate features of the system of Heckman and then, using hindsight reconstruction based on the Appellant's specification, combining these separate features of the reference in an attempt to reproduce the claimed step. However, such a step is not taught or suggested in Heckman, and their combination to achieve the claimed step is not even workable.

Furthermore, the claimed features of the present invention are not realized even if the teachings of Maxwell are incorporated into Heckman. Maxwell does not teach or suggest the claimed features of the present invention that are absent from Heckman. Maxwell discloses a case management system and does not disclose obtaining publicly available data relating to filed lawsuits by reviewing documents filed in a plurality of courts of law.

Both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing documents filed in a plurality of courts of law, with the documents that are reviewed being documents filed by the parties to the lawsuits.

H. CLAIM 107 (GROUP VIII) IS PATENTABLE OVER HECKMAN ET AL. IN VIEW OF MAXWELL

Appellant respectfully submits that claim 107 (Group VIII) is patentable over Heckman et al. in view of Maxwell because neither Heckman nor Maxwell teaches or suggests a method of disseminating litigation information in which publicly available data relating to filed lawsuits in a plurality of courts of law is obtained by reviewing documents including complaints that are filed by the parties to the lawsuits.

Claim 107 recites a method of disseminating information relating to litigation in a plurality of courts of law in which documents filed in a plurality of courts of law are reviewed to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, and the publicly available data obtained from the documents is transmitted to a database, with the documents that are reviewed being documents filed by the parties to the lawsuits and including complaints.

As discussed above, both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing documents filed in a plurality of courts of law, with the documents that are reviewed being documents filed by the parties to the lawsuits.

Further, even if a combination of Heckman and Maxwell were proper to somehow generally suggest obtaining publicly available data relating to filed lawsuits by reviewing documents filed in a plurality of courts of law, Heckman and Maxwell fail to teach the specific feature of such a method of disseminating litigation information as is recited in claim 107. In contrast, in the embodiment of the present invention recited in claim 107, documents filed in a plurality of courts of law are reviewed to obtain publicly available data relating to the lawsuits filed in all of the courts, and the publicly available data found in the documents is then transmitted to a database for storage, with the filed documents that are reviewed being documents filed by the parties to the lawsuits and including complaints. Neither Heckman nor Maxwell

teaches or suggests the specific steps and features of a method of disseminating litigation information of the embodiment of claim 107.

Both Heckman and Maxwell, alone or in combination, fail to teach or suggest a method of disseminating litigation information in which publicly available data relating to filed lawsuits is obtained by reviewing documents filed in a plurality of courts of law, with the documents that are reviewed being documents filed by the parties to the lawsuits and including complaints.

I. THE APPLICATION AND CLAIMS 62-108 ARE IN CONDITION FOR ALLOWANCE WITH THE PRESENT DRAWINGS

Appellant respectfully submits that the application and claims 62-108 are in condition for allowance with the present drawings because these figures, along with the description in the specification, are sufficient to allow one of ordinary skill in the art to understand the claimed invention, and that further drawings are not necessary for one of ordinary skill in the art to understand the subject matter sought to be patented.

The Examiner has taken the position that the drawings were insufficient under 37 C.F.R. § 1.83(a) for failing to show every feature of the invention specified in the claims. The Examiner stated that the drawings must include a flow chart showing each logical step of the claims with an appropriate reference label and made specific reference to the steps of claim 62.

Appellant respectfully submits that no additional drawings or drawing amendments are necessary because the present drawings, Figures 2-4, contain a block diagram and flowcharts showing the each logical step and the information flow of the claimed methods, and include appropriate reference labels. For example, with respect to the steps of claim 62 referred to by the Examiner, Figure 2 is a flowchart that shows four logical steps S10, S12, S14, and S16 of a method of disseminating information relating to litigation in a plurality of courts of law in accordance with one embodiment of the present invention.

In particular, the flowchart of Figure 2 begins with a first step S10 of reviewing court records of a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law. The first step S10 can include sub-steps such as determining the identify of the plaintiff, determining the identity of the defendant, determining the cause of action, and determining the identity of the attorney or attorneys filing the lawsuits. The flowchart of Figure 2 then shows that the first step S10 is followed by a second step S12 of transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law to a database. The second step S12 can include sub-steps such as transmitting data indicative of the identity of the plaintiff, the identity of the defendant, the cause of action, and the identity of the attorney or attorneys filing the lawsuits. The flowchart of Figure 2 then shows that the second step S12 is followed by a third step S14 of accessing the database through a terminal which accesses the database over a network. The flowchart of Figure 2 then shows that the third step S14 is followed by a fourth step S16 of transmitting at least a portion of the data from the database over a network to the terminals which access the database over the network.

Additionally, Figure 1 is a block diagram showing the information flow of such a method from the courts of law to the data transmitters, then to the database, and then to terminals over a network. Thus, Figure 1 is a block diagram and Figure 2 is a flow chart showing each logical step of claim 62 with an appropriate reference label. Appellant respectfully submits that each feature specified in the other claims is similarly shown in the block diagram of Figure 1 and the flowcharts of Figures 2-4.

These features are shown as blocks in the block diagram of Figure 1 and steps in the flowcharts of Figures 2-4. The specific features represented by these blocks and steps shown in the drawings in various embodiments of the present invention are described in great detail in the specification. For example, the specification explains that the information transmitted from the courts of law to the data transmitters and then to the database can include the identify of the plaintiff, the identity of the defendant, the cause of action, and the identity of the attorney or attorneys filing the lawsuits.

Appellant respectfully submits that the illustration of the claimed features in the block diagram of Figure 1 and the flowcharts of Figures 2-4, along with the description in the specification, is sufficient to fulfill the requirements of 37 C.F.R. § 1.83(a). Furthermore, Appellant submits that Figures 1-4, along with the description in the specification, are sufficient to allow one of ordinary skill in the art to understand the claimed invention, and that further drawings are not necessary for one of ordinary skill in the art to understand the subject matter sought to be patented.


Furthermore, Appellant submits that there is no statutory basis for this position given the disclosure in the specification and drawings. Given the disclosure, the understanding of the claimed steps is completely clear to one of ordinary skill in the art. Such steps are clearly described in the disclosure and one of ordinary skill in the art would be able to understand and make and use the present invention based on the specification and present drawings. Further drawings are not necessary for one of ordinary skill in the art to understand the subject matter sought to be patented. Thus, Appellant submits that the disclosure meets all the statutory requirements and the application and pending claims are in condition for allowance.

The application and claims 62-108 are in condition for allowance with the present drawings because these figures, along with the description in the specification, are sufficient to allow one of ordinary skill in the art to understand the claimed invention, and that further drawings are not necessary for one of ordinary skill in the art to understand the subject matter sought to be patented.

In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reversal of the final rejection of claims 62-108 is respectfully requested.

Respectfully submitted,

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9. APPENDIX

62. A method of disseminating information relating to litigation in a plurality of courts of law, said method comprising the steps of:

reviewing court records of a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, said step of reviewing court records of a plurality of courts of law includes determining the identify of the plaintiff, determining the identity of the defendant, determining the cause of action, and determining the identity of the attorney or attorneys filing the lawsuits;

transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law to a database, said step of transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law includes transmitting data indicative of the identity of the plaintiff, the identity of the defendant, the cause of action, and the identity of the attorney or attorneys filing the lawsuits; and

transmitting at least a portion of the data from the database over a network to terminals which access the database over the network.

63. A method as set forth in claim 62 wherein said step of reviewing court records of a plurality of courts of law includes determining the disposition of lawsuits filed in each court of law of the plurality of courts of law, and said step of transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law includes

transmitting data indicative of the disposition of lawsuits filed in each court of law of the plurality of courts of law to the database.

64. A method as set forth in claim 62 further including the step of searching the database to determine the disposition of lawsuits filed by any one attorney in each court of law of the plurality of courts of law, said step of transmitting at least a portion of the data from the database to the terminals which access the database includes transmitting data indicative of the disposition of lawsuits filed by said one attorney in each court of law of the plurality of courts of law.

65. A method as set forth in claim 62 wherein said step of reviewing court records of a plurality of courts of law includes visual reviewing the court records and manually copying the publicly available data from the court records of each court of law of the plurality of courts of law.

66. A method as set forth in claim 62 wherein said step of reviewing court records of a plurality of courts of law includes electronically reading data from an electronic version of the court records of each court of law of the plurality of courts of law, and said step of transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law includes electronically transmitting the publicly available data to a data storage device.

67. A method as set forth in claim 62 further including the steps of determining a relationship between a number corresponding to the number of lawsuits in which one attorney represented litigants in a plurality of courts of law and a number corresponding to the number of lawsuits decided in favor of a litigant represented by the one attorney in the plurality of courts of law, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits in which the one attorney represented litigants in the plurality of courts of law and the number of lawsuits decided in favor of litigants represented by the one attorney in the plurality of courts of law.

68. A method as set forth in claim 62 further including the steps of determining a relationship between a number corresponding to the number of lawsuits in which one attorney represented plaintiffs in a plurality of courts of law and a number corresponding to the number of lawsuits decided in favor of plaintiffs represented by the one attorney in the plurality of courts of law, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits in which the one attorney represented plaintiffs in the plurality of courts law and the number of lawsuits decided in favor of a plaintiff represented by the one attorney in the plurality of courts of law.

69. A method as set forth in claim 62 further including the steps of determining a relationship between a number corresponding to the number of lawsuits in which one attorney represented defendants in a plurality of courts of law and a number corresponding to the number of lawsuits decided in favor of defendants represented by the one attorney in the plurality of courts of law,

and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits in which the one attorney represented defendants in the plurality of courts of law and the number of lawsuits decided in favor of defendants represented by the one attorney in the plurality of courts of law.

70. A method as set forth in claim 62 further including the steps of determining a number corresponding to the number of lawsuits in which one law firm represented litigants in a plurality of courts of law and a number corresponding to the number of lawsuits decided in favor of litigants represented by the one law firm in the plurality of courts of law, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits in which the one law firm represented litigants in the plurality of courts of law and the number of lawsuits decided in favor of a litigant represented by the one law firm in the plurality of courts of law.

71. A method as set forth in claim 62 further including the steps of determining a relationship between a number corresponding to the number of lawsuits in which one law firm represented plaintiffs in a plurality of courts of law and a number corresponding to the number of lawsuits decided in favor of plaintiffs represented by the one law firm in the plurality of courts of law, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits in which the one law firm represented plaintiffs in the plurality of courts of law and the number of lawsuits decided in favor of a plaintiff represented by the one law firm in the plurality of courts of law.

72. A method as set forth in claim 62 further including the steps of determining a relationship between a number corresponding to the number of lawsuits in which one law firm represented defendants in a plurality of courts of law and a number corresponding to the number of lawsuits decided in favor of defendants represented by the one law firm in the plurality of courts of law, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits in which the one law firm represented defendants in the plurality of courts of law and the number of lawsuits decided in favor of defendants represented by the one law firm in the plurality of courts of law.

73. A method as set forth in claim 62 further including the steps of determining a relationship between a number corresponding to the number of lawsuits relating to one specific type of cause of action in which one attorney represented litigants in a plurality of courts of law and a number corresponding to the number of lawsuits relating to the one specific type of cause of action and decided in favor of litigants represented by the one attorney in the plurality of courts of law, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits relating to the one specific type of cause of action and in which the one attorney represented litigants in the plurality of courts of law and the number of lawsuits relating to the one specific type of cause of action and which were decided in favor of litigants represented by the one attorney in the plurality of courts of law.

74. A method as set forth in claim 62 further including the steps of determining a relationship between a number corresponding to the number of lawsuits relating to one specific cause of

action in which one attorney represented plaintiffs in a plurality of courts of law and a number corresponding to the number of lawsuits relating to the one specific type of cause of action and decided in favor of plaintiffs represented by the one attorney in the plurality of courts of law, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits relating to the one specific type of cause of action and in which the one attorney represented plaintiffs in the plurality of courts of law and the number of lawsuits relating to the one specific type of cause of action and which were decided in favor of plaintiffs represented by the one attorney in the plurality of courts of law.

75. A method as set forth in claim 62 further including the steps of determining a relationship between a number corresponding to the number of lawsuits relating to the one specific type of cause of action in which one attorney represented defendants in a plurality of courts of law and a number corresponding to the number of lawsuits relating to the one specific type of cause of action and decided in favor of defendants represented by the one attorney in the plurality of courts of law, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits relating to the one specific type of cause of action and in which the one attorney represented defendants in the plurality of courts of law and the number of lawsuits relating to the one specific type of cause of action and which were decided in favor of defendants represented by the one attorney in the plurality of courts of law.

76. A method as set forth in claim 62 further including the steps of determining the number of lawsuits in which any one attorney represented a litigant in any one of a plurality of courts of

law and which resulted in a decision by a judge or a jury, determining the number of lawsuits in which the one attorney represented a litigant in any one of the plurality of courts of law and which resulted in a decision by a judge or a jury favorable to a litigant represented by the one attorney, determining a relationship between the number of lawsuits in which the one attorney represented a litigant and which resulted in a decision by a judge or a jury and the number of lawsuits in which the one attorney represented a litigant and which resulted in a decision by a judge or a jury favorable to a litigant represented by the one attorney, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits in which the one attorney represented a litigant and which resulted in a decision by a judge or a jury and the number of lawsuits in which the one attorney represented a litigant and which resulted in a decision by a judge or a jury favorable to a litigant represented by the one attorney.

77. A method as set forth in claim 62 further including the steps of determining a total number of lawsuits filed by one attorney in a plurality of courts of law and the number of lawsuits settled by litigants represented by the one attorney, determining a relationship between the total number of lawsuits filed by the one attorney and the number of lawsuits settled by litigants represented by the one attorney, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits filed by the one attorney and the number of lawsuits settled by litigants represented by the one attorney.

78. A method as set forth in claim 62 further including the steps of determining the number of lawsuits relating to each of a plurality of different causes of action filed by one attorney, determining the number of lawsuits decided in favor of litigants represented by the one attorney for each cause of action of the plurality of causes of action, and transmitting data from the database to at least one of the terminals indicative of the number of lawsuits relating to each cause of action of the plurality of causes of action filed by the one attorney of the plurality of attorneys and the number of lawsuits decided in favor of litigants represented by the one attorney for each cause of action of the plurality of causes of action.

79. A method as set forth in claim 62 further including the step of determining the average length of time lawsuits filed by one attorney are pending in a court of law before being terminated for each of a plurality of different causes of action, and transmitting data from the database to at least one of the terminals indicative of the length of time lawsuits filed by the one attorney are pending in a court of law before being terminated for each of the plurality of different causes of action.

80. A method as set forth in claim 62 further including the steps of determining the number of lawsuits which were appealed from a lower court to a higher court and which involved a litigant represented by one attorney, determining the number of appeals which were decided by a higher court in favor of a litigant represented by the one attorney, and transmitting data from the database to at least one of the terminals indicative of the number of lawsuits which were

appealed from a lower court to a higher court and involved the one attorney and the number of appeals which were decided in favor of a litigant represented by the one attorney.

81. A method as set forth in claim 62 further including the step of determining the number of lawsuits which were appealed from a lower court to a higher court and which involved one specific type of cause of action and a litigant represented by one law firm, determining the number of appeals which related to the one specific type of cause of action and were decided by a higher court in favor of a litigant represented by the one law firm, determining a relationship between the number of lawsuits which were appealed from a lower court to a higher court and which involved the one specific type of cause of action and a litigant represented by the one law firm, and the number of appeals which related to the one specific type of cause of action and were decided by a higher court in favor of a litigant represented by the one law firm, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits which related to the one specific type of cause of action and were appealed from a lower court to a higher court and which involved a litigant represented by the one law firm and the number of appeals which related to the one specific type of cause of action and were decided by a higher court in favor of a litigant represented by the one law firm.

82. A method as set forth in claim 62 further including the steps of determining the relationship between a number of lawsuits decided in favor of a plaintiff by each judge of a plurality of judges in each of a plurality of courts of law to a number of lawsuits decided by each judge of the plurality of judges, and transmitting data from the database to at least one of the

terminals indicative of the relationship between the number of lawsuits decided in favor of a plaintiff by each judge of a plurality of judges in each of a plurality of courts of law to the number of lawsuits decided by each judge of the plurality of judges.

83. A method as set forth in claim 62 further including the steps of determining the relationship between a number of lawsuits decided in favor of a defendant by each judge of a plurality of judges in each of a plurality of courts of law to a number of lawsuits decided by each judge of the plurality of judges, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits decided in favor of a defendant by each judge of a plurality of judges in each of a plurality of courts of law to the number of lawsuits decided by each judge of the plurality of judges.

84. A method as set forth in claim 62 further including the steps of determining a relationship between a number of lawsuits which were appealed from each judge of a plurality of judges in each of a plurality of courts to a number of appeals in which each judge of the plurality of judges was affirmed by an appellate court, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits which were appealed from each judge of the plurality of judges to the number of appeals in which each judge of the plurality of judges was affirmed by the appellate court.

85. A method as set forth in claim 62 further including, the steps of determining the relationship between a number of lawsuits settled before trial by each judge of a plurality of

judges in each of a plurality of courts of law to a number of lawsuits assigned to each judge of the plurality of judges, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits assigned to each judge of the plurality of judges and the number of lawsuits settled before trial by each judge of the plurality of judges.

86. A method as set forth in claim 62 wherein said step of reviewing court records further includes determining, from the publicly available data, the identity of expert witnesses for each of a plurality of different causes of action in a plurality of courts, and said step of transmitting at least a portion of the data from the database includes transmitting data from the database to at least one of the terminals indicative of the identity of expert witnesses for at least one cause of action of the plurality of different causes of action.

87. A method as set forth in claim 62 wherein said step of reviewing court records further includes determining, from the publicly available data, the identity of expert witnesses for each of a plurality of different causes of action in a plurality of different courts, said method further includes the step of determining the number of lawsuits which resulted in favorable decisions for a litigant assisted by each expert witness, and said step of transmitting at least a portion of the data from the database includes transmitting data from the database to at least one of the terminals indicative of the identity of expert witnesses for each cause of action of the plurality of causes of action and the number of lawsuits which resulted in favorable decisions for a litigant assisted by each expert witness.

88. A method as set forth in claim 62 further including the steps of determining the number of appeals from lower court decisions to each of a plurality of appeal courts, determining the outcome of appeals from lower court decisions to each of the plurality of appeal courts, and transmitting data from the database to at least one of the terminals indicative of the relationship of the number of appeals to each of the appeal courts to the outcome of the appeals to each of the plurality of appeal courts.

89. A method as set forth in claim 62 further including the steps of determining the number of appeals to a plurality of appeal courts from a plurality of lower court decisions for each of a plurality of causes of action, determining the number of appeals which were affirmed by each appeal court of the plurality of appeal courts for each cause of action of the plurality of causes of action, and transmitting from the database to at least one of the terminals of the plurality of terminals data which is a function of the number of appeals from lower court decisions for each of a plurality of causes of action and the number of appeals which were affirmed by each appeal court of the plurality of appeal courts for each of the plurality of causes of action.

90. A method as set forth in claim 62 further including the step of determining the number of appeals to a plurality of appeal courts from a plurality of lower court decisions for each of a plurality of causes of action, determining the number of appeals which were reversed by each appeal court of the plurality of appeal courts for each cause of action of the plurality of causes of action, and transmitting from the database to at least one of the terminals of the plurality of terminals data which is a function of the number of appeals from lower court decisions for each

of a plurality of causes of action and the number of appeals which were reversed by each appeal court of the plurality of appeal courts for each of the plurality of causes of action.

91. A method as set forth in claim 62 wherein said step of transmitting the publicly available data obtained from the court records includes transmitting data relating to lawsuits filed within a period of time in each of a plurality of courts of law in each of a plurality of states of the United States of America to the database.

92. A method as set forth in claim 62 wherein said step of reviewing court records of a plurality of courts of law includes reviewing court records in both state and federal courts, and said step of transmitting the publicly available data obtained from the court records includes transmitting data relating to both federal and state courts.

93. A method as set forth in claim 62 wherein said step of transmitting the publicly available data obtained from the court records includes electronically reading data from an electronic version of the court records of each court of the plurality of courts in each of a plurality of states of the United States of America and electronically transmitting at least a portion of the electronically read data from each of the courts of the plurality of courts to the database.

94. A method as set forth in claim 62 wherein said step of reviewing court records includes viewing the court records and manually copying the publicly available data from the court

records in each court of the plurality of courts in each of a plurality of states of the United States of America.

95. A method as set forth in claim 62 said step of transmitting the publicly available data obtained from the court records includes transmitting data relating to lawsuits filed in state and federal courts in at least a portion of at least one state of the United States of America to the database.

96. A method of disseminating information relating to litigation in a plurality of courts of law, said method comprising the steps of:

reviewing court records of a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each of the plurality of courts of law, said step of reviewing court records of a plurality of courts of law includes determining the identity of expert witnesses and the causes of action in regard to which the expert witnesses testified;

transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law to a database, said step of transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law includes transmitting data indicative of the identity of the expert witnesses and the causes of action in regard to which the expert witnesses testified; and

transmitting at least a portion of the data from the database over a network to terminals which access the database over the network.

97. A method as set forth in claim 96 wherein said step of reviewing court records of a plurality of courts of law includes determining the identity of the plaintiff, the identity of the defendant, and the cause of action for each of the lawsuits filed in the plurality of courts of law, and said step of transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law includes transmitting data indicative of the identity of the plaintiff, the identity of the defendant and the cause of action for lawsuits filed in the plurality of courts of law to the database.

98. A method as set forth in claim 96 wherein said step of reviewing court records of a plurality of courts of law includes determining the disposition of lawsuits filed in each court of law of the plurality of courts of law, and said step of transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law includes transmitting data indicative of the disposition of lawsuits filed in each court of law of the plurality of courts of law to the database.

99. A method as set forth in claim 96 wherein said step of reviewing court records of a plurality of courts of law includes determining the identity of the attorney or attorneys filing lawsuits and the cause of action for lawsuits in each court of law of the plurality of courts of law, and said step of transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law includes transmitting data indicative of the identity of the attorney or attorneys filing lawsuits and the causes of action for lawsuits filed in each of the plurality of courts of law to the database.

100. A method as set forth in claim 99 wherein said step of reviewing court records of a plurality of courts of law includes determining the disposition of lawsuits filed in each court of law of the plurality of courts of law, and said step of transmitting the publicly available data obtained from the court records of each court of law of the plurality of courts of law includes transmitting data indicative of the disposition of lawsuits filed in each court of law of the plurality of courts of law to the database.

101. A method as set forth in claim 100 further including the step of searching the database to determine the disposition of lawsuits filed by any one attorney in each court of law of the plurality of courts of law, said step of transmitting at least a portion of the data from the database to the terminals which access the database includes transmitting data indicative of the disposition of lawsuits filed by said one attorney in each court of law of the plurality of courts of law.

102. A method as set forth in claim 96 wherein said step of reviewing court records of a plurality of courts of law includes reviewing the court records and manually copying the publicly available data from the court records of each court of law of the plurality of courts of law.

103. A method as set forth in claim 96 wherein said step of reviewing court records of a plurality of courts of law includes electronically reading data from an electronic version of the court records of each court of law of the plurality of courts of law, and said step of transmitting the publicly available data obtained from the court records of each court of law of the plurality of

courts of law includes electronically transmitting the publicly available data to a data storage device.

104. A method as set forth in claim 96 wherein said step of transmitting at least a portion of the data from the database includes transmitting data indicative of whether or not an expert witness testified on behalf of a litigant who received a favorable decision in the litigation in which the expert witness testified.

105. A method as set forth in claim 96 further including the steps of determining a relationship between a number corresponding to the number of lawsuits in which one expert witness testified and a number corresponding to the number of lawsuits in which the one expert witness testified and which were decided in favor of a litigant on whose behalf the one expert witness testified, and transmitting data from the database to at least one of the terminals indicative of the relationship between the number of lawsuits in which the one expert witness testified and the number of lawsuits in which the one expert witness testified and which were decided in favor of a litigant on whose behalf the one expert witness testified.

106. A method of disseminating information relating to litigation pending in a plurality of courts of law, said method comprising the steps of:

reviewing documents filed in a plurality of courts of law to obtain publicly available data relating to lawsuits filed in each court of law of the plurality of courts of law;

transmitting the publicly available data obtained from the documents filed in the plurality of courts of law to a database;

receiving a request for data from a terminal that accesses the database over a network;
and

transmitting at least a portion of the data from the database over the network to the terminal,

wherein the documents are documents filed by the parties to the lawsuits.

107. A method as set forth in claim 106 wherein the documents include complaints.

108. A method as set forth in claim 106 wherein the documents include complaints, answers, and motions filed by the parties.